

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Court Minutes and Order

DATE: December 9, 2022
JUDGE: Pamela Pepper
CASE NO: 2019-cr-96
CASE NAME: United States of America v. Saul Garcia
NATURE OF HEARING: Sentencing
APPEARANCES: Laura Kwaterski – Attorney for the government
Erica Lounsberry – Attorney for the government
Daniel Vaccaro – Attorney for the defendant
Saul Garcia – Defendant
Maria Mahmoudi – US Probation
Julie Kurtz – Interpreter
John Vaughn - Interpreter
COURTROOM DEPUTY: Kristine Wrobel
TIME: 9:41 a.m. – 1:54 p.m.

AUDIO OF THIS HEARING AT DKT. NO. 172, 173, 174 and 175

The defendant had pled guilty to Count Six, harboring non-citizens who remained in the United States in violation of law for financial gain.

The court listed the relevant sentencing documents and confirmed that defense counsel had reviewed those documents with the defendant and that the prosecutor had reviewed them.

The court explained to the defendant that the Sentencing Guidelines calculations were advisory, but that the law required the court to calculate them and then consider them along with the §3553 factors.

The court made the following findings as to the offense level(s):

Count 6

Base offense level: 12, §2L1.1(a)(3)

Objection(s): ☐ Yes ☒ No

Enhancements: 6 level(s), §2L1.1(b)(2)(B) because the offense involved the smuggling, transporting, or harboring of more than 25 but less than 99 unlawful prohibited persons. The government had filed an objection regarding this enhancement but withdrew the objection at the hearing.

Objection(s): ☐ Yes ☒ No

Enhancements: 2 level(s), §2L1.1(b)(8) because a prohibited person was involuntarily detained through coercion or threat, or in connection with a demand for payment, while a prohibited person was transported or harbored in the United States.

Objection(s): ☐ Yes ☒ No

Reductions: 3 level(s), §3E1.1(a) and (b) for the defendant's timely acceptance of responsibility.

Objection(s): ☐ Yes ☒ No

Adjusted offense level: 17

Objection(s): ☐ Yes ☒ No

The court made the following findings regarding the criminal history category:

Criminal history points: 0, yielding a criminal history category of I.

Objections: ☐ Yes ☐ No

The court found that the adjusted offense level of 17 in criminal history category I resulted in an advisory sentencing range of 24-30 months.

Objections: ☐ Yes ☒ No

Two victims made victim provided victim impact statements: AV-14 and AV7.
The defendant elected not to exercise his right of allocution.

Government's recommended sentence: thirty (30) months followed by three (3) years of supervised release.

Defendant's recommended sentence: three (3) years of probation with no incarceration.

Defendant's judgment request(s): The defendant be placed in a facility as close to the Southern District of Georgia as possible.

The court imposed a sentence of: Ninety (90) days of incarceration with credit for any time served in federal custody prior to the sentencing date.

Supervised Release: Two (2) years

Special Assessment: \$100.00

Fine: Not imposed

Restitution: Held open – The parties must advise the court whether a restitution hearing is necessary and if so, when they are ready to schedule it.

The court thanked those who had come today to be in the courtroom to support the defendant and the victims who had attended.

The court imposed conditions of supervised release, which the judgment will reflect.

Defendant in custody: ☐ Yes ☒ No

If no, ☐ The court ordered immediate remand

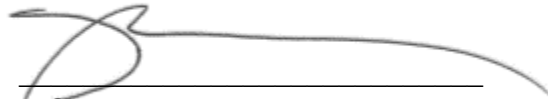
☒ The court allowed the defendant to self-surrender no sooner than 100 days after Saul Garcia, Jr. surrenders to the facility designated by the Bureau of Prisons.

The defendant had waived his right to appeal the sentence. The court explained that the defendant could appeal the sentence if he believed it to be unlawful.

The court ORDERS that the remaining counts of the superseding indictment and indictment are DISMISSED as to defendant Saul Garcia on the motion of the United States.

Dated in Milwaukee, Wisconsin this 9th day of December, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge